

Legal Protection and Domestic Violence against Women in Kashmir

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Abstract

The present study was conducted to probe out the role of legal protection against domestic violence against women in union council Watala district Bimber, Azad Kashmir. A sample size of 379 respondents was randomly selected in light of the criteria devised by Sekaran (2003). A comprehensive interview schedule, based on Likert scale was constructed and served for collecting the relevant information. The data was presented in the percentages along with ascertaining the relationship between independent variable namely (legal protection) with the domestic violence against women (Dependent Variable) by indexing and cross tabulating to ascertain the relationship through the application χ^2 -test statistics. The study found that Cases of domestic violence were not reported to police; reporting domestic violence to concerned authorities reduced its occurrence; civil justice system helped women more than the criminal court process. Special courts on domestic violence could reduced and finish domestic violence; Islamic legislation helped women to protect them against domestic violence; Pakistani legal system not provided legal protection to the victims of domestic violence; Pakistani women were not well protected by the laws against domestic violence. There was no satisfactory legislation exist against domestic violence in Pakistan. Easy access to civil and criminal justice system can help women. Special family courts on domestic violence can help reduce domestic violence. Awareness about Islamic family laws should be created through mass media is some of the suggestions to reduce domestic violence against women.

Key words: legal, protection, domestic, violence

Introduction

Legal Protection

Qureshi, S. (2009) stated that there are clear provisions in the constitution of Pakistan regarding provision of equal rights to all the citizens and providing them equal opportunities before the law. But this ideal is yet to be achieved due to many hindering factors like to reach for justice or raising voice for their rights

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including lack of awareness, costly law procedures and gender insensitive attitude towards women.

Khan Rabia (2009) presented that the violence against women within Pakistani culture is seen as a real problem for the Pakistani society since the last two decades. And there is very little work done by the government or the human rights activists has been recognized in the last two decades by the civil society and the state with little done to correct the problem. Only recently has this problem come under serious focus and begun to receive the attention it deserves, primarily by the sustained efforts of women rights groups.

Jordan, C.E. (2004) found that it is noted in the studies/surveys that battered women often face range of problems in their dealing with the complicated procedures of criminal justice. Women entering the court system face a challenging experience, in part, because a courtroom can be an intimidating and difficult place for any person, and in part because women victimized by crimes in which the offender is known to them face distinctive difficulties when they seek the court's remedies. The interface is also made more challenging for women as the literature offers disparate findings as to the efficacy of criminal justice responses and civil remedies. This article briefly explores the unique characteristics of intimate partner violence cases that influence the interface of these victims with the court system. A reviews provided of research on the criminal justice interventions in cases of intimate partner violence; and research on the efficacy of civil protective orders.

On the basis of results from the British Crime Survey, Dodd, Nicholas, Povey and Walker (2004) explained that all the cases of domestic violence are not reported to the police. There are many reasons behind the problem of not reporting such incidents. Almost 41% of such events are reported to law enforcement agencies. This means that the actual occurrence of such events is much more. Not reported incidents are more than 55%. This shows the alarming level of presence of domestic violence.

Povey et.al (2000) argued that domestic violence has seen an obvious decrease within the previous years. Special courts on domestic violence have helped a lot to reduce the magnitude of domestic violence. During the past 5 years, when the domestic violence was reported by any victim, the abuser was punished by these courts. This has brought a change in domestic violence scale and it has been decreased. The people, who were charged and punished by these courts, did not engage themselves further in abusing or showing violent behaviors to their intimate partners. Thus the domestic violence is decreased due to these courts.

Stanko (2001) stated that in every one hour in UK, 55 calls from the victims of domestic violence are received by the police, and in a week 9100 calls are received by the police about domestic violence. This shows the frequency of domestic violence in developed country of Europe, revealing the pathetic condition of domestic violence in the UK. These are only those complaints which are got into notice. Much more cases are not even get attention of authorities due to various reasons.

Haneef, M.A., Abdullah Yusof, S., Mohd. Amin, R. & Md. Noon, H. (2001) stated that in Malaysia, as the country religion is Islam, Islamic values can play a role to eradicate the social evils like domestic violence, drug abuse etc. people misunderstand Islam or they have very little knowledge of it. So the clear understanding of Islam and Islamic values is very important. People should be aware of these values. When these values will get the main place in constitution then most of the social evils can be uprooted. Hence proper awareness is essential to these values.

Lewis, Ruth, et al. (2000) stated that it has been suggested by many research studies that dealing with civil justice system is far more convenient for battered women, compared to criminal court process. By looking at the present conditions (socioeconomic) of women objectively/dispassionately and taking into account the ground realities of the society, it can be argued that mere criminalization of domestic violence would serve little purpose. Few reasons can be cited to favorably support this approach.

Bettencourt, A. (2000) revealed that unfair treatment is being faced by women regularly due to deeply imbedded social and cultural norms in Pakistani society. There had been an immense increase in the reporting the violence against women in Pakistan, a major factor being the continued suppression of the rights of women that resulted in their degraded social status.

Stark & Flitcraft (1996) reported that the abused women more frequently visit to the doctors than other women. But they do not ask about such injuries from women. It should be asked to the doctors that they should inquire from such women about the injuries, so that the case of such type may be reported to police and concerned agencies. This will help the women to prevent from further abuse in future as the police will warn the abuser that he is being noticed and will be punished. This will help to eradicate the domestic violence at early stage ultimately decreasing its rate.

Objectives of the study

1. To study the legal protection provided by state against domestic violence against women
2. To measure the association between independent variable with dependent variable
3. To make policy recommendation on the basis of study findings

Materials and Methods

The present study was carried out to look into the phenomena pertaining to the An assessment of Domestic violence against women in union council Watala district Bhimber, Azad Kashmir Pakistan. The main focus of this study was centered on the under the perspectives of legal protection of women against domestic violence. The universe was confined to union council Watala Bhimber. A sample size of 379 respondents were randomly selected in light of the criteria devised by Sekaran (2003). A comprehensive interview schedule, based on Likert scale was constructed and served for collecting the relevant information. The data was presented in the percentages along with ascertaining the relationship between independent variable namely (legal protection) with the domestic violence(Dependent Variable) by indexing and cross tabulating to ascertain the relationship through the application χ^2 -test statistics as outlined by.....Tai (1978: 353).

$$(\chi^2) = \sum \sum \frac{(f_{ij} - F_{ij})^2}{F_{ij}}$$

Result and discussions:

Type of violence faced by the respondents

Did you face physical violence?	Frequency (%)		Total (%)
	Yes	No	
Physical violence	125(32.9)	254(67.01)	379(100)
Psychological violence	145(38.25)	234(61.7)	379(100)
Financial violence	131(34.5)	248(65.4)	379(100)

Nature of the violence faced by respondents

Table 4.1.13 clearly revealed the frequency and percentage of the nature of the violence faced by the respondents. Out of 125 respondents, who claimed to be victim of physical violence, 32% were hit by stick, 47.2% were slapped and 26% were kicked.

Moreover, 145 respondents were psychologically violated. 15.17% were threatened, 33.10% were isolated from family or some family members and 51.72% were abused.

Furthermore, 131 respondents claimed to be victim of financial violence. 16.7% respondents got no share in inheritance of family, 54.9% got no money as pocket money or for personal expenditure and 28.2% got less money than the male members of family.

Table- Nature of violence experienced by sampled respondents

Nature of physical violence	N	%
Physical violence		
Hitting by stick	40	32
Slapping	59	47.2
Kicking	26	20.8
Total	125	100
Psychological violence		
Threatening	22	15.17
Isolation from family or some family members	48	33.10
Abusing	75	51.72
Total	145	100
Financial violence		
Getting no share in inheritance of family	22	16.7
Getting no money as pocket money or for personal expenditure	72	54.9
Getting less money than the male members of family	37	28.2
Total	131	100

Legal protection and domestic violence

Table 4.2.4 described that majority 62.3% of the respondents disagreed with the statement that cases of domestic violence are reported to police. The results are similar to the findings of Dodd, Nicholas, Povey and Walker (2004) that all the cases of domestic violence are not reported to the police. There are many reasons behind the problem of not reporting such incidents. Almost 41% of such events are reported to law enforcement agencies. This means that the actual occurrence of such events is much more. Not reported incidents are more than 55%. Moreover, majority 69.1% respondents mentioned that reporting domestic violence to concerned authorities reduces its occurrence. The findings are similar to the results of Sissons (2002); Tolman and Weiss, (1995) that when the domestic violence was reported by any victim, the abuser was punished by these courts. This has brought a change in domestic violence scale and it has been decreased.

In addition, 54.4% respondents believed that civil justice system helps women more than the criminal court process. These results are similar to Lewis, Ruth, et al. (2000) that dealing with civil justice system is far more convenient for battered women, compared to criminal court process. Furthermore, 96.3% of respondents replied that special courts on domestic violence can reduce and can finish domestic violence. These results are in line with Sissons (2002), that special courts on domestic violence have helped a lot to reduce the magnitude of domestic violence.

Majority 96.6% of respondents agreed with the statement that Islamic legislation is helping women to protect them against domestic violence. Same was mentioned by Haneef, M.A., Abdullah Yusof, S., Mohd. Amin, R. & Md. Noon, H. (2001) that a clear understanding of Islam and Islamic values is very important. When these values will get the main place in constitution then most of the social evils can be uprooted. Moreover, 66.2% of the respondents disagreed that Pakistani legal system provides legal protection to the victims of domestic violence.

Furthermore, 96.8% respondents disagreed that Pakistani women are well protected by the laws against domestic violence. These results are similar to the findings of Qureshi, S. (2009), that there are clear provisions in the constitution of Pakistan regarding provision of equal rights to all the citizens. But this ideal is yet to be achieved due to many hindering factors like to reach for justice or raising voice for their rights including lack of awareness, costly law procedures and gender insensitive attitude towards women. While, 93.4% respondents disagreed with the statement, that there is satisfactory legislation against domestic violence in Pakistan. These results are synonymous with the conclusion of Khan Rabia (2009) that in Pakistan women rights are being neglected for a long time.

Table- Frequency distribution and proportion of legal protection

S #	Question	Agree	Disagree	Don't know	Total
1	Cases of domestic violence are reported to police.	132(34.8%)	236(62.3%)	11(2.9%)	379(100%)
2	Reporting domestic violence to concerned authorities reduces its occurrence.	262(69.1%)	110(29%)	7(1.8%)	379(100%)
3	Special courts on domestic violence can reduce and can finish domestic violence.	365(96.3%)	7(1.8%)	7(1.8%)	379(100%)
4	Civil justice system helps women more than the criminal court process.	206(54.4%)	171(45.1%)	2(0.5%)	379(100%)
5	Pakistani legal system provides legal protection to the victims of domestic violence.	103(27.2%)	251(66.2%)	25(6.6%)	379(100%)
6	There is satisfactory legislation against domestic violence in Pakistan.	18(4.7%)	354(93.4%)	7(1.8%)	379(100%)
7	Islamic legislation is helping women to protect them against domestic violence.	366(96.6%)	7(1.8%)	6(1.6%)	379(100%)
8	Pakistani women are well protected by the laws against domestic violence.	7(1.8%)	367(96.8%)	2(0.52%)	379(100%)

Domestic violence against women

Table 4.2.5 pointed that majority, 84.4% respondents told that fewer dowries also provoke the domestic violence. These findings are similar with the findings of Veena (2002) that they are not welcomed by the groom family when the bride brings no dowry or fewer dowries. It causes many problems for her. Furthermore, 92.3% of respondents agree with the statement that women with no dowry are not accepted by groom family.

In addition, 95.5% respondents replied that women take domestic violence as accepted cultural practice in society these results are synonymous with the findings of Kumar et.al (2002) that people take domestic violence as a normal incident of family life. Parents of the women tell their daughter to be patient in such cases and do not support her to come back to their home. This forces the married women to bear the brutality as it is accepted practice of their society. Moreover, 83.1% respondents were in the view that cultural norms and values of male dominancy cause domestic violence to increase. Burlae (2004); Gaudoin (2001) and Kasturirangan, et al. (2004) have presented the same idea that patriarchal culture is the real reason behind domestic violence.

Majority, 61.2% respondents agreed that low education of women leads to low socioeconomic status, causing domestic violence. These findings are similar to the study of Garcia-Moreno, C., Jansen, H.A., Ellsberg, M., Heise, L. and Watts, C.H. (2006) that better socioeconomic conditions play an important role in maintaining peaceful environment in a family. So a woman with good education will be easily employed. This employment will help her to improve the socioeconomic condition and to be independent. Furthermore, 59.9% respondents were in the view that educational background helps women to escape domestic violence. These results shown similarity with education makes women aware of their rights and enables them to deal the domestic violence in appropriate manner. And it gives them a place in family and society too. Hence they are saved from the domestic violence. So, it is necessary for women to get the highest education, as it gives them their basic rights and well as saves them from domestic violence.

A big portion, 96.8% of respondents disagreed with the statement that domestic violence victims get good response if they raise voice against it. The same idea was also mentioned by Jordan, C.E. (2004) that women entering the court system face a challenging experience, in part, because a courtroom can be an intimidating and difficult place for any person.

Table- Frequency distribution and proportion of domestic violence against women

S#	Question	Agree	Disagree	Don't know	Total
1	Fewer dowries also provoke the domestic violence.	320 (84.4%)	34 (9%)	25 (6.6%)	379 (100%)
2	Women with no dowry are not accepted by groom family.	350(92.3%)	17(4.5%)	12(3.2%)	379(100%)
3	Women take domestic violence as accepted cultural practice in society.	362(95.5%)	6(1.6%)	11(2.9%)	379(100%)
4	Cultural norms and values of male dominancy cause domestic violence to increase.	315(83.1%)	49(12.9%)	15(4%)	379(100%)
5	Educational background helps women to escape domestic violence.	227(59.9%)	145(38.3%)	7(1.8%)	379(100%)
6	Low education of women leads to low socioeconomic status, causing domestic violence.	232(61.2%)	140(36.9%)	7(1.8%)	379(100%)
7	Domestic violence victims get good response if they raise voice against it.	3(0.8%)	367(96.8%)	9(2.4%)	379(100%)

Association between Legal Protection and Domestic Violence against Women

Table 4.3.4 reflected that cases of domestic violence are reported to police was found highly significant ($p=0.000$) with domestic violence against women. These results are similar with the findings of Dodd, Nicholas, Povey and Walker (2004) that all the cases of domestic violence are not reported to the

police. There are many reasons behind the problem of not reporting such incidents. Almost 41% of such events are reported to law enforcement agencies. This means that the actual occurrence of such events is much more. Not reported incidents are more than 55%. This shows the alarming level of presence of domestic violence. Moreover, reporting domestic violence to concerned authorities reduces its occurrence was found highly significant ($p=0.000$) with domestic violence against women. These findings are in line with the findings of Berk, 1986; Sullivan and Bybee (1999); Tolman and Weiss, 1995 that it has been found that with the proper implementation and execution of laws against domestic violence, it can be reduced and ultimately uprooted. Scientists observed that when a person is arrested and given the defined punishments of violating the laws of domestic violence, then there is a probability that he will abstain from such acts in future.

Special courts on domestic violence can reduce and can finish domestic violence was found highly significant (0.000) with domestic violence against women. These results are similar with the findings of Sissons (2002) that Special courts on domestic violence have helped a lot to reduce the magnitude of domestic violence. During the past 5 years, when the domestic violence was reported by any victim, the abuser was punished by these courts. This has brought a change in domestic violence scale and it has been decreased. Furthermore, civil justice system helps women more than the criminal court system was also found highly significant ($p=0.000$) with domestic violence against women. The results were supported by the early findings of Lewis, Ruth, et al. (2000) that dealing with civil justice system is far more convenient for battered women, compared to criminal court process.

Similarly, a significant relation ($p=0.002$) was found between Pakistani legal system provides legal protection to the victims of domestic violence and domestic violence against women. These findings are similar to the results of Qureshi, S. (2009) that there are clear provisions in the constitution of Pakistan regarding provision of equal rights to all the citizens and providing them equal opportunities before the law. But this ideal is yet to be achieved due to many hindering factors like to reach for justice or raising voice for their rights including lack of awareness, costly law procedures and gender insensitive attitude towards women. Moreover, a highly significant relation ($p=0.000$) was found between there is satisfactory legislation against domestic violence in Pakistan and domestic violence against women. These results are in line with the findings of Khan Rabia (2009) that violence against women within Pakistani culture is seen as a real problem for the Pakistani society since the last two decades. And there is very little work done by the government or the human

rights activists has been recognized in the last two decades by the civil society and the state with little done to correct the problem.

In addition, a highly significant relation ($p=0.000$) was found between Islamic legislation is helping women to protect them against domestic violence. Haneef, M.A., Abdullah Yusof, S., Mohd. Amin, R. & Md. Noon, H. (2001) reported similar results that Islamic values can play a role to eradicate the social evils like domestic violence, drug abuse etc. people misunderstand Islam or they have very little knowledge of it. So the clear understanding of Islam and Islamic values is very important. Furthermore, a highly significant ($p=0.000$) association was found between Pakistani women are well protected against the laws against domestic violence and domestic violence against women. These results are similar to the findings of Jordan, C.E. (2004) that battered women often face range of problems in their dealing with the complicated procedures of criminal justice. Women entering the court system face a challenging experience.

Table- Association between Legal Protection and Domestic Violence against Women

S. No	Statement	DV			P-Value
		Yes	No	Uncertain	
1	Cases of domestic violence are reported to police.				
	Yes	88(23.2%)	40(10.6%)	4(1.1%)	X=65.863 ^a P=0.000
	No	204(53.8%)	25(6.6%)	7(1.8%)	
	Uncertain	0(0.0%)	11(2.9%)	0(0.0%)	
2	Reporting domestic violence to concerned authorities reduces its occurrence.				
	Yes	195(51.5%)	63(16.6%)	4(1.1%)	X=246.889 ^a P=0.000
	No	97(25.6%)	13(3.4%)	0(0.0%)	
	Uncertain	0(0.0%)	0(0.0%)	7(1.8%)	
3	Special courts on domestic violence can reduce and can finish domestic violence.				
	Yes	292(77%)	73(19.3%)	0(0.0%)	X=323.355 ^a P =0.000
	No	0(0.0%)	0(0.0%)	7(1.8%)	
	Uncertain	0(0.0%)	3(0.8%)	4(1.1%)	
4	Civil justice system helps women more than the criminal court process.				
	Yes	148(39.1%)	49(12.9%)	9(2.4%)	X=78.243 ^a P=0.000
	No	144(38%)	27(7.1%)	0(0.0%)	

	Uncertain	0(0.0%)	0(0.0%)	2(0.5%)	
5	Pakistani legal system provides legal protection to the victims of domestic violence.				
	Yes	92(24.3%)	11(2.9%)	0(0.0%)	X=16.953 ^a P=0.002
	No	184(48.5%)	56(14.8%)	11(2.9%)	
	Uncertain	16(4.2%)	9(2.4%)	0(0.0%)	
6	There is satisfactory legislation against domestic violence in Pakistan.				
	Yes	0(0.0%)	15(4.0%)	3(0.8%)	X=147.296 ^a P=0.000
	No	292(77%)	58(15.3%)	4(1.1%)	
	Uncertain	0(0.0%)	3(0.8%)	4(1.1%)	
7	Islamic legislation is helping women to protect them against domestic violence.				
	Yes	292(77%)	73(19.3%)	1(0.3%)	X=287.967 ^a P=0.000
	No	0(0.0%)	3(0.8%)	4(1.1%)	
	Uncertain	0(0.0%)	0(0.0%)	6(1.16%)	
8	Pakistani women are well protected by the laws against domestic violence.				
	Yes	0(0.0%)	0(0.0%)	7(1.8%)	X=321.988 ^a P=0.000
	No	292(77%)	74(19.5%)	1(0.3%)	
	Uncertain	0(0.0%)	1(0.3%)	3(0.8%)	

Conclusion and Recommendations

The study concluded that cases of domestic violence were not reported to police; reporting domestic violence to concerned authorities reduced its occurrence; civil justice system helped women more than the criminal court process. Special courts on domestic violence could reduced and finish domestic violence; Islamic legislation helped women to protect them against domestic violence; Pakistani legal system not provided legal protection to the victims of domestic violence; Pakistani women were not well protected by the laws against domestic violence. There was not satisfactory legislation against domestic violence in Pakistan. Easy access to civil and criminal justice system can help women. Special family courts on domestic violence can help reduce domestic violence, awareness about Islamic family laws should be created through mass media are some of the suggestions to reduce domestic violence against women.

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